



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/750,606 | 12/29/2003 | Paul H. Bouchier | 10001728-3 | 1340 |

7590 08/22/2006
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

PHAN, RAYMOND NGAN

ART UNIT PAPER NUMBER

2111

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/750,606 | Applicant(s) BOUCHIER ET AL. | |
| | Examiner Raymond Phan | Art Unit 2111 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,11-17,19-27 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,11-17,19-27 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: the remarks filed on June 6, 2006.
2. This application has been examined. Claims 1-8, 11-17, 19-27, 30-32 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-8, 11-17, 19-27, 30-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over by Okazawa et al. (US No. 6,378,021) in view of Zalweski et al. (US No. 6,647,508).

In regard to claims 1, 15, 27, Okazawa et al. disclose the multi-processor computer system comprising a plurality of processor boards with each board having at least one processor (see col. 4, lines 50-59); a switch processor that is connected to each of the processor boards (see col. 5, lines 8-40); wherein each partition includes at least one processor boards and that switch processor manages configuration of the partitions (see col. 6, lines 1-50); wherein at least one partition 11 has at least two cell boards (i.e. PBx8) (see figure 1, col. 4, lines 50-67). But Okazawa et al. do not specifically disclose the use of data that describes a configuration for the computer system and wherein service processor and each of the cell board maintain a copy of the data. However Zalewski et al. disclose the use of data that describes a configuration (i.e. console programs 213, 215, 217) for

each logical partitions 1 and 2 and wherein each of the cell board maintains a copy of the data (see figure 2, col. 6, lines 22-59 and col. 8, lines 39-50). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Zalewski et al. into the teachings of Okazawa et al. because it would minimize the cost of software engineering.

In regard to claims 2, 16, Okazawa et al. disclose each partition is running an operating system that is independent of the other partitions (see col. 6, lines 15-23).

In regard to claims 3, 17, Okazawa et al. disclose each processor board is capable of being reassigned to another partition while the computer system is on-line (see col. 2, lines 61-65).

In regard to claims 5, 19, Okazawa et al. disclose the processor board may be replaced while the computer system is on-line (see col. 6, lines 23-50).

In regard to claims 6, 20, Okazawa et al. disclose the switch processor can command the operation of the processor boards (see col. 6, line 66 through col. 7, line 11).

In regard to claims 7, 21, Okazawa et al. disclose the switch processor can command the operation of the partitions (see col. 6, line 66 through col. 7, line 11).

In regard to claims 8, 22, Okazawa et al. disclose the switch processor can reset a partition (see col. 7, lines 2-11).

In regard to claim 23, even though Okazawa et al. or et al. do not specifically disclose the service processor can be replace while the system is on-line, however one skilled in the art would have known to have the service processor to replace while the system is online to replace the faulty of service processor.

In regard to claims 11, 24, Zalewski et al. disclose wherein the configuration file managed by service processor (i.e. master console module) (see col. 8, lines 2-24). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Zalewski et al. into the teachings of Okazawa et al. because it would minimize the cost of software engineering.

In regard to claims 12, 25, Zalewski et al. disclose the modified configuration of the configuration file and re-distribute the modified configuration to each of the partitions (see col. 8, lines 25-50). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Zalewski et al. into the teachings of Okazawa et al. because it would minimize the cost of software engineering.

In regard to claim 13, Okazawa et al. disclose a microcontroller that handle the communication between the switch process and the processor board (see col. 5, lines 7-20).

In regard to claims 14, 26, Okazawa et al. disclose each partition configuring itself after switching (see col. 3, lines 36-50).

In regard to claims 30-32, Okazawa et al. disclose multiple partitions, wherein each partition has its hardware isolated from the remaining partitions (see col. 6, lines 23-5).

Allowable Subject Matter

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Argument

6. Applicant's arguments, see pages 6-10, filed on June 6, 2006 with respect to the rejection of claims 1-3, 5-8, 12-17, 19-27, 30-32 under 35USC103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Zalewski et al.

Conclusion

7. Claims 1-3, 5-8, 11-17, 19-27, 30-32 are rejected. Claim 4 is objected.

8. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

Ault et al. (US No. 5,345,590) disclose a method and apparatus for cross-partition control in a partitioned process environment.

Bostick et al. (US No. 5,253,344) disclose a method and apparatus for dynamically changing the configuration of a logically partitioned data processing system.

Greenstein et al. (US No. 5,784,702) disclose a system and method for dynamically performing resource reconfiguration in a logically partitioned data processing system.

Doing et al. (US Pub No. 2005/0091476) disclose an apparatus for supporting a logically partitioned computer system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (571) 272-3639 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (571) 573-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [hop://pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.

A handwritten signature in black ink, appearing to read 'Raymond Phan', with a long, sweeping horizontal line extending to the right.

Raymond Phan
August 16, 2006